

SERVICE DATE - JANUARY 6, 2003

SURFACE TRANSPORTATION BOARD

DECISION AND CERTIFICATE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-564

CAMAS PRAIRIE RAILNET, INC.—ABANDONMENT—IN LEWIS, NEZ PERCE,  
AND IDAHO COUNTIES, ID  
(BETWEEN SPALDING AND GRANGEVILLE, ID)

Decided: December 30, 2002

By decision and certificate of interim trail use or abandonment (CITU) served on September 13, 2000, Camas Prairie RailNet, Inc. (CSPR) was granted authority under 49 U.S.C. 10903 to abandon a line of railroad known as the Grangeville Line, or Second Subdivision, extending from milepost 0.00 near Spalding, ID, to milepost 66.8 (end of track) near Grangeville, ID, a distance of 66.8 miles, in Lewis, Nez Perce, and Idaho Counties, ID. Also, the Nez Perce Tribal Executive Committee was granted a 180-day period to negotiate an interim trail use/rail banking agreement with CSPR for the right-of-way. The abandonment was made subject to employee protective, trail use, public use,<sup>1</sup> historic, and environmental conditions.<sup>2</sup>

The 180-day negotiating period under the CITU was scheduled to expire on March 12, 2001. By a decision served on that date, the negotiating period was extended to June 10, 2001. Subsequently, by a decision served May 15, 2001, a second CITU was issued, authorizing the Camas Prairie Trail Conservancy (the Conservancy) to negotiate with CSPR and to serve as a trail user.

On December 17, 2002, CSPR, the Conservancy, and BG & CM Railroad, Inc. (BG & CM), jointly filed a petition requesting the Board to vacate the existing CITU and issue an appropriate replacement CITU substituting BG & CM in lieu of the Conservancy as the interim trail manager. CSPR states that pursuant to an agreement executed with BG & CM, it is selling an interest in the right-of-way to BG & CM, and the Conservancy is assigning its rail/trail responsibilities to BG & CM. Petitioners have submitted a copy of the extant CITU and a statement of willingness to assume financial responsibility by the new trail manager.

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<sup>1</sup> The public use condition expired on April 11, 2001.

<sup>2</sup> A decision was served in this proceeding on September 6, 2002, removing a number of the environmental conditions, adding one new condition, and noting that salvage may begin once CSPR has satisfied the remaining self-executing consultation conditions.

Petitioners' submission is in compliance with the requirements of section 1152.29(f). Therefore, this proceeding will be reopened and the requested relief will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The CITU served May 15, 2001, is vacated.
3. A replacement CITU designating BG & CM Railroad, Inc., as the new trail manager is issued, effective on the service date of this decision.
4. The new trail user is required to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and the payment of any and all taxes that may be levied or assessed against the right-of-way.
5. Interim trail use/rail banking is subject to the future restoration of rail service and to the new user continuing to meet the financial obligations for the right-of-way.
6. If the new trail user intends to terminate trail use, it must send the Board a copy of this CITU and request that trail use be vacated on a specified date.
7. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary